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FIRST AMENDMENT

BILL NO. 2017-22

ORDINANCE NO. 6588

AN ORDINANCE TO AUTHORIZE THE ISSUANCE OF LIMITED-DURATION LICENSES BY WHICH HOLDERS OF MEDICAL MARIJUANA ESTABLISHMENT LICENSES MAY OPERATE AS DUAL USE MARIJUANA BUSINESSES UNDER NRS CHAPTERS 453A (MEDICAL MARIJUANA) AND 453D (RETAIL MARIJUANA), AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Bob Coffin
(by request)

Summary: Authorizes the issuance of limited-duration licenses by which holders of medical marijuana establishment licenses may operate as dual use marijuana businesses under NRS Chapters 453A (medical marijuana) and 453D (retail marijuana).

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN AS
FOLLOWS:

SECTION 1: For purposes of this Ordinance, each of the following terms shall have the corresponding meaning set forth in NRS 453D.030:

- (A) Dual licensee
- (B) Marijuana cultivation facility
- (C) Marijuana distributor
- (D) Marijuana establishment
- (E) Marijuana product manufacturing facility
- (F) Marijuana testing facility
- (G) Retail marijuana store

SECTION 2: For purposes of this Ordinance, "dual use marijuana business" means a dual licensee that holds a medical marijuana establishment license pursuant to LVMC Chapter 6.95 and that has been issued a license to operate as a dual use marijuana business pursuant to this Ordinance.

SECTION 3: In accordance with and subject to this Ordinance, a person who holds a valid medical marijuana establishment license pursuant to LVMC Chapter 6.95 may apply for and obtain a

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1 license to operate as a dual use marijuana business. The dual use marijuana license is a separate license
2 from any license issued pursuant to LVMC Chapter 6.95 and authorizes the following:

3 (A) The holder of a medical marijuana dispensary license under LVMC Chapter 6.95
4 to operate a retail marijuana store.

5 (B) The holder of a medical marijuana cultivation facility license under LVMC
6 Chapter 6.95 to operate a marijuana cultivation facility.

7 (C) The holder of a medical marijuana testing facility license under LVMC Chapter
8 6.95 to operate a marijuana testing facility.

9 (D) The holder of a medical marijuana production facility license under LVMC
10 Chapter 6.95 to operate a marijuana product manufacturing facility.

11 SECTION 4: (A) Pursuant to this Ordinance, the Director may issue a limited-
12 duration business license to operate as a dual use marijuana business to a person who meets all the
13 following criteria:

14 (1) Possesses a valid state issued Medical Marijuana Establishment
15 Registration Certificate and is operating in good standing under such Certificate as defined in the Nevada
16 Administrative Code;

17 (2) Possesses a valid state issued temporary license to operate a marijuana
18 establishment pursuant to NRS Chapter 453D;

19 (3) Possesses a valid City medical marijuana establishment license issued
20 pursuant to LVMC Chapter 6.95 and is in compliance with that chapter, including the payment of all
21 required business license fees and any delinquent civil penalties that have been assessed to the business in
22 connection with the operation of a medical marijuana establishment; and

23 (4) Has opened and is operating the City-licensed medical marijuana
24 establishment as of May 31, 2017.

25 (B) A limited-duration business license to operate as a dual use marijuana business
26 pursuant to this Ordinance shall expire on April 1, 2018, or such earlier expiration date as may be

1 established by the license.

2 SECTION 5: Each dual use marijuana business licensed under this Ordinance shall pay
3 applicable origination, semi-annual and annual license fees in accordance with the fee schedule set forth in
4 LVMC 6.95.230, with gross sales-based fees to be calculated regarding medical and retail operations. Any
5 flat fees that have been paid by the licensee pursuant to LVMC Chapter 6.95 for the period between July 1,
6 2016, and June 30, 2017, may be credited towards the origination fee for the dual marijuana business
7 license.

8 SECTION 6: Any dual use marijuana business licensed under this Ordinance must
9 conform to all applicable rules set forth in LVMC Chapter 6.95, as well as applicable provisions of NRS
10 Chapter 453D, and Chapter 453D of the Nevada Administrative Code.

11 SECTION 7: The Director shall have authority to apply provisions of LVMC Chapter
12 6.06 to applicants for a license under this Ordinance, including the authority to waive any or all principals
13 from the requirements of suitability.

14 SECTION 8: (A) Unless extended by the City Council and except as otherwise
15 provided in Subsection (B) of this Section, this Ordinance shall expire by limitation on April 25, 2018.

16 (B) As deemed necessary or appropriate, the Director shall retain ongoing enforcement
17 authority regarding licenses issued under this Ordinance, even after this Ordinance and licenses issued
18 thereunder have expired.

19 SECTION 9: Fees otherwise chargeable under the provisions of LVMC 6.95.230 shall
20 be adjusted as necessary to comply with the limitations of Chapters 540 and 541, Statutes of Nevada 2017,
21 also known respectively as Assembly Bill 422 and Senate Bill 487 of the 79th Session of the Nevada
22 Legislature.

23 SECTION 10: If any section, subsection, subdivision, paragraph, sentence, clause or
24 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
25 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
26 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the City

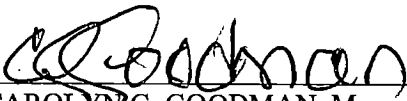
1 of Las Vegas hereby declares that it would have passed each section, subsection, subdivision, paragraph,
2 sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections,
3 subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

4 SECTION 11: Whenever in this ordinance any act is prohibited or is made or declared to
5 be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is required
6 or the failure to do any act is made or declared to be unlawful or an offense or a misdemeanor, the doing of
7 such prohibited act or the failure to do any such required act shall constitute a misdemeanor and upon
8 conviction thereof, shall be punished by a fine of not more than \$1,000.00 or by imprisonment for a term of
9 not more than six months, or by any combination of such fine and imprisonment. Any day of any violation
10 of this ordinance shall constitute a separate offense.

11 SECTION 12: All ordinances or parts of ordinances or sections, subsections, phrases,
12 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983
13 Edition, in conflict herewith are hereby repealed.

14 PASSED, ADOPTED and APPROVED this 21st day of June, 2017.

15 APPROVED:

16 By 
17 CAROLYN G. GOODMAN, Mayor

18 ATTEST:

19 
20 LUANN D. HOLMES, MMC
City Clerk

21 APPROVED AS TO FORM:

22  6-21-17
23 Val Steed, Date
Deputy City Attorney

1 The above and foregoing ordinance was first proposed and read by title to the City Council
2 on the 17th day of May, 2017, and referred to a committee for recommendation; thereafter
3 the said committee reported favorably on said ordinance on the 21st day of June, 2017,
4 which was a regular meeting of said Council; that at said regular meeting, the proposed
5 ordinance was read by title to the City Council as amended and adopted by the following
6 vote:

7 VOTING "AYE": Mayor Pro Tem Ross, and Councilmembers Tarkanian, Barlow,
Anthony, Coffin and Beers

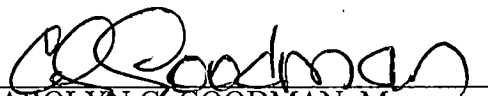
8 VOTING "NAY": None

9 EXCUSED: None

10 ABSTAINED: Mayor Goodman

11 DID NOT VOTE: None

12 APPROVED:

13 
14 CAROLYN G. GOODMAN, Mayor

15 ATTEST:

16 
17 LUANN D. HOLMES, MMC City Clerk

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

RECEIVED
CITY CLERK

2017 JUN 12 A 11: 24

LV CITY CLERK
495 S MAIN ST
LAS VEGAS NV 89101

Account # 22515
Ad Number 0000917499

Leslie McCormick, being 1st duly sworn, deposes and says: That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for, was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 06/08/2017 to 06/08/2017, on the following days:

06 / 08 / 17

BILL NO. 2017-22

AN ORDINANCE TO AUTHORIZE THE ISSUANCE OF LIMITED-DURATION LICENSES BY WHICH HOLDERS OF MEDICAL MARIJUANA ESTABLISHMENT LICENSES MAY OPERATE AS DUAL USE MARIJUANA BUSINESSES UNDER NRS CHAPTERS 453A (MEDICAL MARIJUANA) AND 453D (RETAIL MARIJUANA), AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Bob Coffin (by request)
Summary: Authorizes the issuance of limited-duration licenses by which holders of medical marijuana establishment licenses may operate as dual use marijuana businesses under NRS Chapters 453A (medical marijuana) and 453D (retail marijuana).

At the City Council meeting of

May 17, 2017

BILL NO. 2017-22 WAS READ BY TITLE AND REFERRED TO A RECOMMENDING COMMITTEE

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 2ND FLOOR, 495 SOUTH MAIN STREET, LAS VEGAS, NEVADA

PUB: June 8, 2017
LV Review-Journal


/s/ _____
LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 8th day of June, 2017

Notary 



AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

RECEIVED
CITY CLERK

2017 JUN 29 P 12:03

LV CITY CLERK
495 S MAIN ST
LAS VEGAS NV 89101

Account # 22515
Ad Number 0000920997

Leslie McCormick, being 1st duly sworn, deposes and says: That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for, was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 06/24/2017 to 06/24/2017, on the following days:

06 / 24 / 17

FIRST AMENDMENT

BILL NO. 2017-22
ORDINANCE NO. 6588

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The above and foregoing ordinance was first proposed and read by title to the City Council on the 17th day of May, 2017, and referred to a committee for recommendation; thereafter the committee reported favorably on said ordinance on the 21st day of June, 2017, which was a regular meeting of said City Council; and that at said regular meeting the proposed ordinance was read by title to the City Council as amended and adopted by the following vote:

VOTING "AYE": Councilmembers Ross, Tarkanian, Barlow, Anthony, Coffin, and Beers

ABSTAINED: Mayor Goodman

VOTING "NAY": NONE

EXCUSED: NONE

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 2ND FLOOR, 495 SOUTH MAIN STREET, LAS VEGAS, NEVADA
PUB: June 24, 2017
LV Review-Journal

LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 26th day of June, 2017

Notary

